



LIPSIUS-BENHAIM
LAW, LLP

80-02 Kew Gardens Road
Suite 1030
Kew Gardens, New York 11415
Telephone: 212-981-8440
Facsimile: 888-442-0284
www.lipsiuslaw.com

ALEXANDER J. SPERBER
DIRECT LINE: 212-981-8449
EMAIL: asperber@lipsiuslaw.com

February 26, 2021

VIA ELECTRONIC FILING

Hon. Nicholas G. Garaufis, U.S.D.J.
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Oriska Corporation v. North Sea Associates, LLC et. al.*
Case No. 2:21-cv-00454-NGG-CLP

Dear Judge Garaufis,

This firm represents Defendants Avalon Gardens Rehabilitation & Health Care Center, LLC, Garden Care Center, Inc., North Sea Associates, LLC, Park Avenue Operating Co., LLC, Parkview Care & Rehabilitation Center, Townhouse Operating Co. LLC, and Ira Lipsius (collectively, the “Moving Defendants”). The Moving Defendants are submitting this letter in accordance with Rule IV(B)(4) of Your Honor’s Individual Rules.

On February 12, 2021, the Moving Defendants submitted a letter motion requesting that the Court set a briefing schedule on the Moving Defendants’ forthcoming motion to remand. To date, the Court has not responded to that request.

Rule IV(B)(1) of Your Honor’s Individual Rules directs the parties to comply with the “Bundling Rule” when filing motions. Rule IV(B)(4), however, provides that:

If any party concludes in good faith that delaying the filing of a motion, in order to comply with any aspect of these individual practices, will deprive the party of a substantive right, the party may file the motion within the time required by the Federal Rules of Civil and/or Appellate Procedure, together with an explanation of the basis of the conclusion.

Given that the Moving Defendants must file their motion to remand within 30 days of the Class Defendants’ notice of removal, the Moving Defendants have concluded that they may be deprived of the right to file their motion if they do not do so today. Accordingly, in the absence of a so-ordered briefing schedule, the Moving Defendants are hereby filing their initial motion papers with the Court.

LIPSIUS-BENHAIM LAW, LLP
Hon. Nicholas G. Garaufis, U.S.D.J.
February 26, 2021
Page 2 of 2

I thank the Court for its time and attention to this matter.

Respectfully submitted,

LIPSIUS-BENHAIM LAW, LLP

A handwritten signature in black ink, appearing to read 'Alex J. Sperber', with a long, sweeping horizontal stroke extending to the right.

Alexander J. Sperber